रजिस्ट्री सं० डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 116] नई दिल्ली, मंगलवार, अगस्त 3, 1976/श्रावण 12, 1898
No. 116] NEW DELHI, TUESDAY, AUGUST 3, 1976/SRAVANA 12, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 3rd August, 1976/*Sravana* 12, 1898 (*Saka*)

The following President's Act is published for general information:—

THE TAMIL NADU URBAN LAND (CEILING AND REGULATION) ACT, 1976

No. 34 OF 1976

Enacted by the President in the Twenty-seventh Year of the Republic of India.

An Act to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good.

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976, the President is pleased to enact as follows:— 41 of 1976.

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1976.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force at once.

CHAPTER II
DEFINITIONS

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "building regulations" means the regulations contained in the master plan, or the law in force governing the construction of buildings;

(*b*) "ceiling limit" means the ceiling limit specified in section 4;

(*c*) "competent authority" means any person or authority authorised by the State Government, by notification in the Tamil Nadu Government Gazette, to perform the functions of the competent authority under this Act for such area as may be specified in the notification and different persons or authorities may be authorised to perform different functions;

(*d*) "dwelling unit", in relation to a building or a portion of a building, means a unit of accommodation, in such building or portion, used solely for the purpose of residence;

(*e*) "family", in relation to a person, means the individual, the wife or husband, as the case may be, of such individual and their unmarried minor children.

Explanation.—For the purpose of this clause, "minor" means a person who has not completed his or her age of eighteen years;

(*f*) "land appurtenant", in relation to any building, means—

(*i*) in an area where there are building regulations, the minimum extent of land required under such regulations to be kept as open space for the enjoyment of such building, which in no case shall exceed five hundred square metres; or

(*ii*) in an area where there are no building regulations, an extent of five hundred square metres contiguous to the land occupied by such building,

and includes, in the case of any building constructed before the commencement of this Act with a dwelling unit therein, an additional extent not exceeding five hundred square metres of land, if any, contiguous to the minimum extent referred to in sub-clause (*i*) or the extent referred to in sub-clause (*ii*), as the case may be;

(*g*) "master plan", in relation to an area within an urban agglomeration or any part thereof, means the plan (by whatever name called) prepared under any law for the time being in force or in pursuance of an order made by the State Government for the development of such area or part thereof and providing for the stages by which such development shall be carried out;

(*h*) "person" includes an individual, a family, a firm, a company, and an association or body of individuals, whether incorporated or not;

(*i*) "prescribed" means prescribed by rules made under this Act;

(*j*) "to hold" with its grammatical variations, in relation to any vacant land, means—

(*i*) to own such land; or

(*ii*) to possess such land as owner or as tenant or as mortgagee or under an irrevocable power-of-attorney or under a hire-purchase agreement or partly in one of the said capacities and partly in any other of the said capacity or capacities.

Explanation.—Where the same vacant land is held by one person in one capacity and by another person in another capacity, then, for the purposes of this Act, such land shall be deemed to be held by both such persons;

(*k*) "Tribunal" means the Urban Land Tribunal constituted under section 12;

(*l*) "urban agglomeration" means,—

(*i*) the urban agglomeration specified in column (1) of Schedule I and includes the peripheral area specified in the corresponding entry in column (2) thereof; and

(*ii*) any other area which the State Government may, having regard to its location, population (population being more than one lakh) and such other relevant factors as the circumstances of the case may require, by notification in the Tamil Nadu Government Gazette, declare to be an urban agglomeration and any agglomeration so declared shall be deemed to belong to category D in that Schedule and the peripheral area therefor shall be one kilometre:

Provided that where any portion of a village, panchayat village or panchayat town lies within the peripheral area referred to in sub-clause (*i*) or sub-clause (*ii*), the whole of such village, panchayat village or panchayat town, as the case may be, shall be deemed to lie within the said peripheral area for the purposes of this Act.

Explanation.—For the purpose of this proviso, "village" shall mean a revenue village, and "panchayat village" and "panchayat town" shall have the meanings respectively assigned to them in the Tamil Nadu Panchayats Act, 1958;

Tamil Nadu Act XXXV of 1958.

(*m*) "urban land" means,—

(*i*) any land situated within the limits of an urban agglomeration and referred to as such in the master plan; or

(*ii*) in a case where there is no master plan, or where the master plan does not refer to any land as urban land, any land within the limits of an urban agglomeration and situated in any area included within the local limits of a municipality (by whatever name called), a cantonment board or a panchayat, but does not include any such land which is mainly used for the purpose of agriculture.

Explanation.—For the purpose of this clause and clause (*o*),—

(*A*) "agriculture" includes horticulture, but does not include—

(*i*) raising of grass,

(*ii*) dairy farming,

(*iii*) poultry farming,

(*iv*) breeding of live-stock, and

(*v*) such cultivation, or the growing of such plant, as may be prescribed;

(*B*) land shall not be deemed to be used mainly for the purpose of agriculture, if such land is not entered in the revenue or land records before the commencement of this Act as for the purpose of agriculture:

Provided that where on any land which is entered in the revenue or land records before such commencement as for the purpose of agriculture, there is a building which is not in the nature of a farm-house, then, so much of the extent of such land as is occupied by the building shall not be deemed to be used mainly for the purpose of agriculture:

Provided further that, if any question arises whether any building is in the nature of a farm-house such question shall be referred to the State Government and the decision of the State Government thereon shall be final;

(*C*) notwithstanding anything contained in clause (*B*) of this *Explanation*, land shall not be deemed to be mainly used for the purpose of agriculture if the land has been specified in the master plan for a purpose other than agriculture;

(*n*) "urbanisable land" means land situated within an urban agglomeration, but not being urban land;

(*o*) "vacant land" means land, not being land mainly used for the purpose of agriculture, in an urban agglomeration, but does not include—

(*i*) land on which construction of a building is not permissible under the building regulations in force in the area in which such land is situated;

(*ii*) in an area where there are building regulations, the land occupied by any building which has been constructed before the commencement of this Act, or is being constructed at such commencement with the approval of the appropriate authority and the land appurtenant to such building; and

(*iii*) in an area where there are no building regulations, the land occupied by any building which has been constructed before the commencement of this Act, or is being constructed at such commencement, and the land appurtenant to such building:

Provided that where any person ordinarily keeps his cattle, other than for the purpose of dairy farming or for the purpose of breeding of live-stock, on any land situated in a village within an urban agglomeration (described as a village in the revenue records), then, so much extent of the land as has been ordinarily used for the keeping of such cattle immediately before such commencement shall not be deemed to be vacant land for the purposes of this clause.

CHAPTER III

CEILING ON VACANT LAND

Persons not entitled to hold vacant land in excess of the ceiling limit.

3. Except as otherwise provided in this Act, on and from the commencement of this Act, no person shall be entitled to hold any vacant land in excess of the ceiling limit.

Ceiling limit.

4. (*1*) Subject to the other provisions of this section, in the case of every person, the ceiling limit shall be,—

(*a*) where the vacant land is situated in an urban agglomeration falling within category A specified in Schedule I, five hundred square metres;

(*b*) where such land is situated in an urban agglomeration falling within category C specified in Schedule I, one thousand five hundred square metres;

(*c*) where such land is situated in an urban agglomeration falling within category D specified in Schedule I, two thousand square metres.

(*2*) Where any person holds vacant land situated in two or more categories of urban agglomerations specified in Schedule I, then, for the purpose of calculating the extent of vacant land held by him,—

(*a*) one square metre of vacant land situated in an urban agglomeration falling within category A shall be deemed to be equal to three square metres of vacant land situated in an urban agglomeration falling within category C and four square metres of vacant land situated in an urban agglomeration falling within category D; and

(*b*) one square metre of vacant land situated in an urban agglomeration falling within category C shall be deemed to be equal to one and one-third square metres of vacant land situated in an urban agglomeration falling within category D.

(*3*) Notwithstanding anything contained in sub-section (*1*), where in respect of any vacant land any scheme for group housing has been sanctioned by an authority competent in this behalf immediately before the commencement of this Act, then, the person holding such vacant land at such commencement shall be entitled to continue to hold such land for the purpose of group housing:

Provided that not more than one dwelling unit in the group housing shall be owned by one person:

Provided further, that the extent of vacant land which such person shall be entitled to hold shall, in no case, exceed—

(*a*) the extent required under any building regulations governing such group housing; or

(*b*) the extent calculated by multiplying the number of dwelling units in the group housing and the appropriate ceiling limit referred to in sub-section (*1*),

whichever is less.

Explanation.—For the purposes of this sub-section and sub-section (*9*),—

(*i*) "group housing" means a building constructed or to be constructed with one or more floors, each floor consisting of one or more dwelling units and having common service facilities;

(*ii*) "common service facility" includes facility like staircase, balcony and verandah.

(*4*) Where any firm or unincorporated association or body of individuals holds vacant land or holds any other land on which there is a building with a dwelling unit therein any any urban agglomeration or holds both vacant land and such other land, then, the right or interest of any person in the vacant land or such other land or both, as the case may be, on the basis of his share in such firm or association or body shall also be taken into account in calculating the extent of vacant land held by such person.

(*5*) Where a person is a beneficiary of a private trust and his share in the income from such trust is known or determinable, the share of such person in the vacant land and in any other land on which there is a building with a dwelling unit therein in any urban agglomeration held by the trust, shall be deemed to be in the same proportion as his share in the total income of such trust bears to such total income and the extent of such land apportionable to his share shall also be taken into account in calculating the extent of vacant land held by such person.

(*6*) Where a person is a member of a Hindu undivided family so much of the vacant land and of any other land on which there is a building with a dwelling unit therein in any urban agglomeration, as would have fallen to his share had the entire vacant land and such other land held by the Hindu undivided family been partitioned amongst its members at the commencement of this Act shall also be taken into account in calculating the extent of vacant land held by such person.

(*7*) Where a person, being a member of a housing co-operative society registered or deemed to be registered under any law for the time being in force, holds vacant land allotted to him by such society, then, the extent of land so held shall also be taken into account in calculating the extent of vacant land held by such person.

(*8*) Where a person holds vacant land and also holds any other land on which there is a building with a dwelling unit therein in any urban agglomeration, the extent of such other land occupied by the building and the land appurtenant thereto shall also be taken into account in calculating the extent of vacant land held by such person.

(*9*) Where a person owns a part of a building, being a group housing, the proportionate share of such person in the land occupied by the building and the land appurtenant thereto shall also be taken into account in calculating the extent of vacant land held by such person.

(*10*) For the removal of doubts, it is hereby declared that nothing in sub-sections (*4*), (*5*), (*6*), (*8*) and (*9*) shall be construed as empowering the competent authority to declare any land referred to in sub-clause (*ii*) or sub-clause (*iii*) of clause (*o*) of section 2 as excess vacant land under this Chapter.

Explanation.—For the purposes of this section and sections 6, 8 and 17 a person shall be deemed to hold any land on which there is a building (whether or not with a dwelling unit therein) if he—

(*i*) owns such land and the building; or

(*ii*) owns such land but possesses the building or possesses such land and the building, the possession, in either case, being as a tenant under a lease, the unexpired period of which is not less than ten years at the commencement of this Act or as a mortgagee or under an irrevocable power of attorney or a hire-purchase agreement or partly in one of the said capacities and partly in any other of the said capacity or capacities; or

(*iii*) possesses such land but owns the building, the possession being as a tenant under a lease or as a mortgagee or under an irrevocable power of attorney or a hire-purchase agreement or partly in one of the said capacities or partly in any other of the said capacity or capacities.

Transfer of vacant land.

5. No person holding vacant land in excess of the ceiling limit immediately before the commencement of this Act shall transfer any such land or part thereof by way of sale, mortgage, gift, lease or otherwise until he has furnished a statement under section 6 and a notification regarding the excess vacant land held by him has been published under sub-section (*1*) of section 10; and any such transfer made in contravention of this provision shall be deemed to be null and void.

Persons holding vacant land in excess of ceiling limit to file statement.

6. (*1*) Every person holding vacant land in excess of the ceiling limit at the commencement of this Act shall, within such period as may be prescribed, file a statement before the competent authority having jurisdiction specifying the location, extent, value and such other particulars as may be prescribed of all vacant lands and of any other land on which there is a building, whether or not with a dwelling unit therein, in any urban agglomeration held by him (including the nature of his right, title or interest therein) and also specifying the vacant lands within the ceiling limit which he desires to retain.

Explanation.—In this section, "commencement of this Act" means,—

(*i*) the date on which this Act comes into force;

(*ii*) where any land, not being vacant land, has become vacant land by any reason whatsoever, the date on which such land becomes vacant land;

(*iii*) where any notification has been issued under sub-clause (*ii*) of clause (*l*) of section 2, the date of publication of such notification.

(*2*) If the competent authority is of opinion that any person holds at the commencement of this Act, vacant land in excess of the ceiling limit, then, notwithstanding anything contained in sub-section (*1*), it may serve a notice upon such person requiring him to file, within such period as may be specified in the notice, the statement referred to in sub-section (*1*).

(*3*) The competent authority may, if it is satisfied that it is necessary so to do, extend the date for filing the statement under this section by such further period or periods as it may think fit; so, however, that the period or the aggregate of the periods of such extension shall not exceed three months.

(4) The statement under this section shall be filed,—

(*a*) in the case of an individual, by the individual himself; where the individual is absent from India, by the individual concerned or by some person duly authorised by him in this behalf; and where the individual is mentally incapacitated from attending to his affairs, by his guardian or any other person competent to act on his behalf;

(*b*) in the case of a family, by the husband or wife and where the husband or wife is absent from India or is mentally incapacitated from attending to his or her affairs, by the husband or wife who is not so absent or mentally incapacitated and where both the husband and the wife are absent from India or are mentally incapacitated from attending to their affairs, by any other person competent to act on behalf of the husband or wife or both;

(*c*) in the case of a company, by the principal officer thereof;

(*d*) in the case of a firm, by any partner thereof;

(*e*) in the case of any other association, by any member of the association or the principal officer thereof; and

(*f*) in the case of any other person, by that person or by a person competent to act on his behalf.

Explanation.—For the purposes of this sub-section, "principal officer",—

(*i*) in relation to a company, means the secretary, manager or managing-director of the company;

(*ii*) in relation to any association, means the secretary, treasurer, manager or agent of the association;

and includes any person connected with the management of the affairs of the company or the association, as the case may be, upon whom the competent authority has served a notice of its intention of treating him as the principal officer thereof.

Filing of statement in cases where vacant land held by a person is situated within the jurisdiction of two or more competent authorities

7. (*1*) Where a person holds vacant land situated within the jurisdiction of two or more competent authorities, then, he shall file his statement under sub-section (*1*) of section 6 before the competent authority within the jurisdiction of which the major part thereof is situated and thereafter all subsequent proceedings shall be taken before that competent authority to the exclusion of the other competent authority or authorities concerned and the competent authority, before which the statement is filed, shall send intimation thereof to the other competent authority or authorities concerned.

(*2*) Where the extent of vacant land held by any person and situated within the jurisdiction of two or more competent authorities is equal, he shall file his statement under sub-section (*1*) of section 6 before any one of the competent authorities and send intimation thereof in such form as may be prescribed to the State Government and thereupon, the State Government shall, by order, determine the competent authority before which all subsequent proceedings under this Act shall be taken to the exclusion of the other competent authority or authorities and communicate that order to such person and the competent authorities concerned.

Preparation of draft statement as regards vacant land held in excess of ceiling limit.

8. (1) On the basis of the statement filed under section 6 and after such inquiry as the competent authority may deem fit to make the competent authority shall prepare a draft statement in respect of the person who has filed the statement under section 6.

(2) Every statement prepared under sub-section (1) shall contain the following particulars, namely:—

(i) the name and address of the person;

(ii) the particulars of all vacant lands and of any other land on which there is a building, whether or not with a dwelling unit therein, in any urban agglomeration held by such person;

(iii) the particulars of the vacant lands which such person desires to retain within the ceiling limit;

(iv) the particulars of the right, title or interest of the person in the vacant lands; and

(v) such other particulars as may be prescribed.

(3) The draft statement shall be served in such manner as may be prescribed on the person concerned together with a notice stating that any objection to the draft statement shall be preferred within thirty days of the service thereof.

(4) The competent authority shall duly consider any objection received, within the period specified in the notice referred to in sub-section (3) or within such further period as may be specified by the competent authority for any good and sufficient reason, from the person on whom a copy of the draft statement has been served under that sub-section and the competent authority shall, after giving the objector a reasonable opportunity of being heard, pass such orders as it deems fit.

Final statement.

9. After the disposal of the objections, if any, received under sub-section (4) of section 8, the competent authority shall make the necessary alterations in the draft statement in accordance with the orders passed on the objections aforesaid and shall determine the vacant land held by the person concerned in excess of the ceiling limit and cause a copy of the draft statement as so altered to be served in the manner referred to in sub-section (3) of section 8 on the person concerned and where such vacant land is held under a lease, or a mortgage, or a hire-purchase agreement, or an irrevocable power of attorney, also on the owner of such vacant land.

Acquisition of vacant land in excess of ceiling limit.

10. (1) As soon as may be after the service of the statement under section 9 on the person concerned, the competent authority shall cause a notification giving the particulars of the vacant land held by such person in excess of the ceiling limit and stating that—

(i) such vacant land is to be acquired by the State Government; and

(ii) the claims of all persons interested in such vacant land may be made by them personally or by their agents giving particulars of the nature of their interests in such land,

to be published for the information of the general public in the Tamil Nadu Government Gazette, and in such other manner as may be prescribed.

(2) After considering the claims of the persons interested in the vacant land, made to the competent authority in pursuance of the notification published under sub-section (1), the competent authority shall determine the nature and extent of such claims and pass such orders as it deems fit.

(3) At any time after the publication of the notification under sub-section (1), the competent authority may, by notification in the Tamil Nadu Government Gazette declare that the excess vacant land referred to in the notification published under sub-section (1) shall, with effect from such date as may be specified in the declaration, be deemed to have been acquired by the State Government and upon the publication of such declaration, such land shall be deemed to have vested absolutely in the State Government free from all encumbrances with effect from the date so specified.

(4) During the period commencing on the date of publication of the notification under sub-section (1) and ending with the date specified in the declaration made under sub-section (3)—

(i) no person shall transfer by way of sale, mortgage, gift, lease or otherwise any excess vacant land (including any part thereof) specified in the notification aforesaid and any such transfer made in contravention of this provision shall be deemed to be null and void; and

(ii) no person shall alter or cause to be altered the use of such excess vacant land.

(5) Where any vacant land is vested in the State Government under sub-section (3), the competent authority may, by notice in writing, order any person who may be in possession of it to surrender or deliver possession thereof to the State Government or to any person duly authorised by the State Government in this behalf within thirty days of the service of the notice.

(6) If any person refuses or fails to comply with an order made under sub-section (5), the competent authority may take possession of the vacant land or cause it to be given to the State Government or to any person duly authorised by the State Government in this behalf and may for that purpose use such force as may be necessary.

Payment for amount for vacant land acquired.

11. (1) Where any vacant land is deemed to have been acquired by the State Government under sub-section (3) of section 10, the State Government shall pay to the person or persons having any interest therein,—

(a) in a case where there is any income from such vacant land, an amount equal to eight and one-third times the net average annual income actually derived from such land during the period of five consecutive years immediately preceding the date of publication of the notification issued under sub-section (1) of section 10; or

(b) in a case where no income is derived from such vacant land, an amount calculated at a rate not exceeding—

(i) ten rupees per square metre in the case of vacant land situated in an urban agglomeration falling within category A specified in Schedule I; and

(*ii*) five rupees per square metre in the case of vacant land situated in an urban agglomeration falling within category C or category D specified in that Schedule.

(*2*) The net average annual income referred to in clause (*a*) of sub-section (*1*) shall be calculated in the manner and in accordance with the principles set out in Schedule II.

(*3*) For the purpose of clause (*b*) of sub-section (*1*), the State Government shall—

(*a*) divide, by notification in the Tamil Nadu Government Gazette, every urban agglomeration situated within the State into different zones, having regard to the location and the general use of the land situated in an urban agglomeration, the utility of the land in that urban agglomeration for the orderly urban development thereof and such other relevant factors as the circumstances of the case may require; and

(*b*) fix, subject to the maximum rates specified in that clause, the rate per square metre of vacant land in each zone, having regard to the availability of vacant land in the zone, the trend of price rise of vacant land over a period of twenty years in the zone before the commencement of this Act, the amount invested by the State Government for the development of the zone, the existing use of vacant land in the zone and such other relevant factors as the circumstances of the case may require.

(*4*) Different rates may be fixed under clause (*b*) of sub-section (*3*) for vacant lands situated in different zones within each urban agglomeration.

(*5*) Notwithstanding anything contained in sub-section (*1*) where any vacant land which is deemed to have been acquired under sub-section (*3*) of section 10 is held by any person under a grant, lease or other tenure from the Central Government or any State Government and—

(*i*) the terms of such grant, lease or other tenure do not provide for payment of any amount to such person on the termination of such grant, lease or other tenure and the resumption of such land by the Central Government or the State Government, as the case may be; or

(*ii*) the terms of such grant, lease or other tenure provide for payment of any amount to such person on such termination and resumption, then,—

(*a*) in a case falling under clause (*i*), no amount shall be payable in respect of such vacant land under sub-section (*1*); and

(*b*) in a case falling under clause (*ii*), the amount payable in respect of such vacant land shall be the amount payable to him under the terms of such grant, lease or other tenure on such termination and resumption or the amount payable to him under sub-section (*1*), whichever is less.

(*6*) Notwithstanding anything contained in sub-section (*1*) or sub-section (*5*), the amount payable under either of the said sub-sections shall, in no case, exceed two lakhs of rupees.

(7) The competent authority may, by order in writing, determine the amount to be paid in accordance with the provisions of this section as also the person, or, where there are several persons interested in the land, the persons to whom it shall be paid and in what proportion, if any.

(8) Before determining the amount to be paid, every person interested shall be given an opportunity to state his case as to the amount to be paid to him.

(9) The competent authority shall dispose of every case for determination of the amount to be paid as expeditiously as possible and in any case within such period as may be prescribed.

(10) Any claim or liability enforceable against any vacant land which is deemed to have been acquired under sub-section (3) of section 10 may be enforced only against the amount payable under this section in respect of such land and against any other property of the owner of such land.

Constitution of Urban Land Tribunal and appeal to Urban Land Tribunal.

12. (1) The State Government may, by notification in the Tamil Nadu Government Gazette, constitute one or more Urban Land Tribunal or Tribunals.

(2) The Tribunal shall consist of a sole member who shall be an officer of the rank of a member of the Board of Revenue.

(3) The Tribunal shall have jurisdiction over such area as the State Government may, by notification in the Tamil Nadu Government Gazette, specify.

(4) If any person is aggrieved by an order of the competent authority under section 11, he may, within thirty days of the date on which the order is communicated to him, prefer an appeal to the Tribunal having jurisdiction over the area in which the vacant land (in relation to which the amount has been determined) is situated or where such land is situated within the jurisdiction of more than one Tribunal to the Tribunal having jurisdiction over the area in which a major part of such land is situated or where the extent of such land situated within the jurisdiction of two or more Tribunals is equal, to any of those Tribunals:

Provided that the Tribunal may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(5) In deciding appeals the Tribunal shall exercise all the powers which a civil court has and follow the same procedure which a civil court follows in deciding appeals against the decree of an original court under the Code of Civil Procedure, 1908. 5 of 1908.

Second appeal to High Court.

13. Subject to the provisions of the Code of Civil Procedure, 1908 applicable to appeals from original decrees, an appeal shall lie to the High Court from the decision of the Tribunal under section 12. 5 of 1908.

Mode of payment of amount.

14. (*1*) The State Government shall, within a period of six months from the date of the order of the competent authority determining the amount to be paid under section 11, or, in a case where an appeal has been preferred against such order under section 12 or under section 13, within a period of six months from the date of the final appellate order, pay the amount referred to in section 11 to the person or persons entitled thereto.

(*2*) Twenty-five per cent. of the amount or twenty-five thousand rupees, whichever is less, shall be paid in cash and the balance in negotiable bonds redeemable after the expiry of twenty years carrying an interest at the rate of five per cent. per annum with effect from the date on which the vacant land is deemed to have been acquired by the State Government under sub-section (*3*) of section 10.

Ceiling limit on future acquisition by inheritance, bequest or by sale in execution of decrees, etc.

15. (*1*) If, on or after the commencement of this Act, any person acquires by inheritance, settlement or bequest from any other person or by sale in execution of a decree or order of a civil court or of an award or order of any other authority or by purchase or otherwise any vacant land the extent of which together with the extent of the vacant land, if any, already held by him exceeds in the aggregate the ceiling limit, then, he shall, within three months of the date of such acquisition, file a statement before the competent authority having jurisdiction specifying the location, value and such other particulars as may be prescribed of all the vacant lands held by him and also specifying the vacant lands within the ceiling limit which he desires to retain.

(*2*) The provisions of sections 6 to 14 (both inclusive) shall, so far as may be, apply to the statement filed under this section and to the vacant land held by such person in excess of the ceiling limit.

Power to enter upon any vacant land.

16. The competent authority or any person acting under the orders of the competent authority may, subject to any rules made in this behalf and at such reasonable times as may be prescribed, enter upon any vacant land or any other land on which there is a building with such assistance as the competent authority or such person considers necessary and make survey and take measurements thereof and do any other act which the competent authority or such person considers necessary for carrying out the purposes of this Act.

Penalty for concealment, etc., of particulars of vacant land.

17. (*1*) If the competent authority, in the course of any proceedings under this Act, is satisfied that any person has concealed the particulars of any vacant land or of any other land on which there is a building, whether or not with a dwelling unit therein, held by him or furnished inaccurate particulars of such land or of the user thereof, it may, after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, a sum which shall not be less than, but which shall not exceed twice, the amount representing the value of the vacant land or of such other land or both, as the case may be, in respect of which the particulars have been concealed or in respect of which inaccurate particulars as aforesaid have been furnished.

(*2*) Any amount payable under this section, if not paid, may be recovered as if it were an arrear of land revenue.

Chapter not to apply to certain vacant lands.

18. (*1*) Subject to the provisions of sub-section (2), nothing in this Chapter shall apply to any vacant land held by—

(*i*) the Central Government or any State Government, or any local authority or any Corporation established by or under a Central or Provincial or State Act or any Government company as defined in section 617 of the Companies Act, 1956; 1 of 1956.

(*ii*) any military, naval or airforce institution;

(*iii*) any bank.

Explanation.—In this clause, "bank" means any banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949, and includes— 10 of 1949.

(*a*) the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934; 2 of 1934.

(*b*) the State Bank of India constituted under the State Bank of India Act, 1955; 23 of 1955.

(*c*) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959; 38 of 1959.

(*d*) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970; 5 of 1970.

(*e*) the Industrial Finance Corporation of India established under the Industrial Finance Corporation Act, 1948, the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956, the Unit Trust of India established under the Unit Trust of India Act, 1963, the Industrial Development Bank of India, established under the Industrial Development Bank of India Act, 1964, the Industrial Credit and Investment Corporation of India, the Industrial Reconstruction Corporation of India and any other financial institution which the State Government may, by notification in the Tamil Nadu Government Gazette, specify in his behalf. 15 of 1948. 31 of 1956. 52 of 1963. 18 of 1964.

(*iv*) any public charitable or religious trust (including wakf) and required and used for any public charitable or religious purposes:

Provided that the exemption under this clause shall apply only so long as such land continues to be required and used for such purposes by such trust;

(*v*) any co-operative society, being a land mortgage bank or a housing co-operative society, registered or deemed to be registered under any law relating to co-operative societies for the time being in force:

Provided that the exemption under this clause, in relation to a land mortgage bank, shall not apply to any vacant land held by it otherwise than in satisfaction of its dues;

(*vi*) any such educational, cultural, technical or scientific institution or club [not being a Corporation established by or under a Central or Provincial or State Act referred to in clause (*i*) or a

society referred to in clause (*vii*)] as may be approved for the purposes of this clause by the State Government by general or special order, on application made to it in this behalf by such institution or club or otherwise:

Provided that no approval under this clause shall be accorded by the State Government unless the State Government is satisfied that it is necessary so to do having regard to the nature and scope of the activities of the institution or club concerned, the extent of the vacant land required *bona fide* for the purposes of such institution or club and other relevant factors;

(*vii*) any society registered under the Societies Registration Act, 1860 or under any other corresponding law for the time being in force and used for any non-profit and non-commercial purpose;

21 of 1860.

(*viii*) a foreign State for the purposes of its diplomatic and consular missions or for such other official purposes as may be approved by the State Government or for the residence of the members of the said missions;

(*ix*) the United Nations and its specialised agencies for any official purpose or for the residence of the members of their staff;

(*x*) any international organisation for any official purpose or for the residence of the members of the staff of such organisation:

Provided that the exemption under this clause shall apply only if there is an agreement between the Government of India and such international organisation that such land shall be so exempted.

(*2*) The provisions of sub-section (*1*) shall not be construed as granting any exemption in favour of any person, other than an authority, institution or organisation specified in sub-section (*1*), who possesses any vacant land which is owned by such authority, institution or orgnisation or who owns any vacant land which is in the possession of such authority, institution or organisation:

Provided that where any vacant land which is in the possession of such authority, institution or organisation, but owned by any other person is, declared as excess vacant land under this Chapter, such authority, institution or organisation shall, notwithstanding anything contained in any of the foregoing provisions of this Chapter, continue to possess such land under the State Government on the same terms and conditions subject to which it possessed such land immediately before such declaration.

Explanation.—For the purposes of this sub-section, the expression "to possess vacant land" means to possess such land either as tenant or as mortgagee or under a hire-purchase agreement or under an irrevocable power of attorney or partly in one of the said capacities and partly in any other of the said capacity or capacities.

19. (*1*) Notwithstanding anything contained in any of the foregoing provisions of this Chapter— **Power to exempt.**

(*a*) where any person holds vacant land in excess of the ceiling limit and the State Government is satisfied, either on its own motion or otherwise, that, having regard to the location of such

land, the purpose for which such land is being or is proposed to be used and such other relevant factors as the circumstances of the case may require, it is necessary or expedient in the public interest so to do, the State Government may, by order, exempt, subject to such conditions, if any, as may be specified in the order, such vacant land from the provisions of this Chapter;

(*b*) where any person holds vacant land in excess of the ceiling limit and the State Government, either on its own motion or otherwise, is satisfied that the application of the provisions of this Chapter would cause undue hardship to such person, the State Government may, by order, exempt, subject to such conditions, if any, as may be specified in the order, such vacant land from the provisions of this Chapter:

Provided that no order under this clause shall be made unless the reasons for doing so are recorded in writing.

(*2*) If at any time the State Government is satisfied that any of the conditions subject to which any exemption under clause (*a*) or clause (*b*) of sub-section (*1*) is granted is not complied with by any person, it shall be competent for the State Government to withdraw, by order, such exemption after giving a reasonable opportunity to such person for making a representation against the proposed withdrawal and thereupon all the provisions of this Chapter shall apply accordingly.

Excess vacant land not to be treated as excess in certain cases.

20. (*1*) Notwithstanding anything contained in any of the foregoing provisions of this Chapter, where a person holds any vacant land in excess of the ceiling limit and such person declares within such time, in such form and in such manner as may be prescribed before the competent authority that such land is to be utilised for the construction of dwelling units (each such dwelling unit having a plinth area not exceeding eighty square metres) for the accommodation of the weaker sections of the society, in accordance with any scheme approved by such authority as the State Government may, by notification in the Tamil Nadu Government Gazette, specify in this behalf, then, the competent authority may, after making such inquiry as it deems fit, declare such land not to be excess land for the purposes of this Chapter and permit such person to continue to hold such land for the aforesaid purpose, subject to such terms and conditions as may be prescribed, including a condition as to the time limit within which such dwelling units are to be constructed.

(*2*) Where any person contravenes any of the terms or conditions subject to which the permission has been granted under sub-section (*1*), the competent authority shall, by order, and after giving such person an opportunity of being heard, declare such land to be excess land and thereupon all the provisions of this Chapter shall apply accordingly.

Retention of vacant land under certain circumstances.

21. (*1*) Notwithstanding anything contained in any of the foregoing provisions of this Chapter, where any person demolishes any building on any land held by him or any such building is destroyed or demolished solely due to natural causes and beyond the control of human agency and as a consequence thereof, in either case, the land on which such building has been constructed becomes vacant land and the aggregate of the extent of such land and the extent of any other vacant land held by him exceeds the ceiling limit, then, he shall, within three months from the date of such demolition or destruction file a statement before the competent authority having jurisdiction specifying the location, value

and such other particulars as may be prescribed, of all the vacant lands held by him.

(2) Where, on receipt of a statement under sub-section (1) and after such inquiry as the competent authority may deem fit to make, the competent authority is satisfied that the land which has become vacant land is required by the holder for the purpose of redevelopment in accordance with the master plan, such authority may, subject to such conditions and restrictions as it may deem fit to impose, permit the holder to retain such land in excess of the ceiling limit for such purpose and where the competent authority is not so satisfied and does not so permit, the provisions of sections 6 to 14 (both inclusive) shall, so far as may be, apply to the statement filed under sub-section (1) and to the vacant land held by such person in excess of the ceiling limit.

Disposal of vacant land acquired under the Act.

22. (1) It shall be competent for the State Government to allot, by order, in excess of the ceiling limit any vacant land which is deemed to have been acquired by the State Government under this Act or is acquired by the State Government under any other law, to any person for any purpose relating to, or in connection with, any industry or for providing residential accommodation of such type as may be approved by the State Government to the employees of any industry and it shall be lawful for such person to hold such land in excess of the ceiling limit.

Explanation.—For the purposes of this section,—

(a) where any land with a building has been acquired by the State Government under any other law and such building has been subsequently demolished by the State Government, then, such land shall be deemed to be vacant land acquired under such other law;

(b) "industry" means any business, profession, trade, undertaking or manufacture.

(2) In making an order of allotment under sub-section (1), the State Government may impose such conditions as may be specified therein including a condition as to the period within which the industry shall be put in operation or, as the case may be, the residential accommodation shall be provided for:

Provided that if, on a representation made in this behalf by the allottee, the State Government is satisfied that the allottee could not put the industry in operation, or provide the residential accommodation, within the period specified in the order of allotment, for any good and sufficient reason, the State Government may extend such period to such further period or periods as it may deem fit.

(3) Where any condition imposed in an order of allotment is not complied with by the allottee, the State Government, shall, after giving an opportunity to the allottee to be heard in the matter, cancel the allotment with effect from the date of the non-compliance of such condition and the land allotted shall revest in the State Government free from all encumbrances.

(4) Subject to the provisions of sub-sections (1), (2) and (3), all vacant lands deemed to have been acquired by the State Government under this Act shall be disposed of by the State Government to subserve the common good on such terms and conditions as the State Government may deem fit to impose.

(5) Notwithstanding anything contained in sub-sections (*1*) to (*4*), where the State Government is satisfied that it is necessary to retain or reserve any vacant land, deemed to have been acquired by that Government under this Act, for the benefit of the public, it shall be competent for the State Government to retain or reserve such land for the same.

Special provisions regarding disposal of vacant lands in favour of certain persons.

23. (*1*) Notwithstanding anything contained in section 22, where any person, being the owner of any vacant land, had leased out or mortgaged with possession such land or had given possession of such land under a hire-purchase agreement to any other person and as a consequence thereof he has no vacant land in his possession or has vacant land in his possession less in extent than the ceiling limit and where the land so leased or mortgaged or given possession of is deemed to have been acquired by the State Government under this Chapter, then, such person shall be entitled to make an application to the State Government in such form and containing such particulars as may be prescribed within a period of three months from the date of such acquisition for the assignment to him,—

(*a*) in a case where he has no land in his possession, of so much extent of land as is not in excess of the ceiling limit; or

(*b*) in a case where he has land in his possession less in extent than the ceiling limit, of so much extent of land as is required to make up the deficiency:

Provided that nothing in this sub-section shall be deemed to entitle a person for the assignment of land in excess of the extent of the land leased or mortgaged with possession or given possession under a hire-purchase agreement as aforesaid by such person.

(*2*) On receipt of an application under sub-section (*1*), the State Government shall, after making such inquiry as it deems fit, assign such land to such person on payment of an amount equal to the amount which has been paid by the State Government for the acquisition of the extent of land to be assigned.

CHAPTER IV

REGULATION OF TRANSFER AND USE OF URBAN PROPERTY

Definition.

24. In this Chapter, "plinth area" in relation to—

(*i*) a dwelling unit in a building consisting of only one floor, means the area of the dwelling unit at the floor level and includes the thickness of the outer walls thereof;

(*ii*) a dwelling unit in a building consisting of two or more floors, means the area of the dwelling unit at the floor level where the dwelling unit is proposed to be situated and includes the thickness of the outer walls thereof and the proportionate area intended for any common service facility at the floor level aforesaid.

Explanation.—For the purpose of this clause, "common service facility", shall have the same meaning as in sub-clause (*ii*) of the *Explanation* below sub-section (*3*) of section 4.

Notice to be given before transfer of vacant lands.

25. (*1*) Notwithstanding anything contained in any other law for the time being in force, no person holding vacant land within the ceiling limit shall transfer such land by way of sale, mortgage, gift, lease or otherwise except after giving notice in writing of the intended transfer to the competent authority.

(*2*) Where a notice given under sub-section (*1*) is for the transfer of the land by way of sale, the competent authority shall have the first option to purchase such land on behalf of the State Government at a price calculated in accordance with the provisions of the Land Acquisition Act, 1894 and if such option is not exercised within a period of sixty days from the date of receipt of the notice, it shall be presumed that the competent authority has no intention to purchase such land on behalf of the State Government and it shall be lawful for such person to transfer the land to whomsoever he may like:

1 of 1894.

Provided that where the competent authority exercises within the period aforesaid the option to purchase such land the execution of the sale deed shall be completed and the payment of the purchase price thereof shall be made within a period of three months from the date on which such option is exercised.

(*3*) For the purpose of calculating the price of any vacant land under sub-section (*2*), it shall be deemed that a notification under sub-section (*1*) of section 4 of the Land Acquisition Act, 1894 had been issued for the acquisition of such vacant land on the date on which the notice was given under sub-section (*1*) of this section.

1 of 1894.

Prohibition on transfer of urban property.

26. (*1*) Notwithstanding anything contained in any other law for the time being in force but subject to the provisions of section 5 and sub-section (*4*) of section 10 no person shall transfer by way of sale, mortgage, gift, lease for a period exceeding ten years, or otherwise, any urban or urbanisable land with a building (whether constructed before or after the commencement of this Act) or a portion only of such building for a period of ten years of such commencement or from the date on which the building is constructed, whichever is later, except with the previous permission in writing of the competent authority.

(*2*) Any person desiring to make a transfer referred to in sub-section (*1*), may make an application in writing to the competent authority in such form and in such manner as may be prescribed.

(*3*) On receipt of an application under sub-section (*2*), the competent authority may, after making such inquiry as it deems fit, by order in writing, grant or refuse to grant the permission applied for:

Provided that the competent authority shall not refuse to grant the permission applied for unless it has recorded in writing the reasons for doing so and a copy of the same has been communicated to the applicant.

(*4*) Where within a period of sixty days of the date of receipt of an application under this section the competent authority does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the competent authority shall be deemed to have granted the permission applied for.

(*5*) (*a*) Where the permission applied for is for the transfer of the land with the building or, as the case may be, a portion only of such

building referred to in sub-section (*1*) by way of sale, and the competent authority is of the opinion that such permission may be granted, then, the competent authority shall have the first option to purchase such land with building or portion only of such building on behalf of the State Government at such price as may be agreed upon between the competent authority and the applicant or, in a case where there is no such agreement, at such price calculated in accordance with the provisions of the Land Acquisition Act, 1894. 1 of 1894.

(*b*) If the option referred to in clause (*a*) is not exercised within a period of sixty days from the date of receipt of the application under this section, it shall be presumed that the competent authority has no intention to purchase such land with building or portion only of such building on behalf of the State Government and it shall be lawful for such person to transfer the land to whomsoever he may like:

Provided that where the competent authority exercises within the period aforesaid the option to purchase such land with building or portion only of such building, the execution of the sale deed shall be completed and the payment of the purchase price thereof shall be made within a period of three months from the date on which such option is exercised.

(*6*) For the purpose of calculating the price of the land and building or, as the case may be, a portion only of such building under clause (*a*) of sub-section (5), it shall be deemed that a notification under sub-section (*1*) of section 4 of the Land Acquisition Act, 1894 had been issued for the acquisition of that land and building or, as the case may be, a portion only of such building on the date on which the application was made under sub-section (*2*). 1 of 1894.

(*7*) Notwithstanding anything contained in any other law for the time being in force, no person shall transfer by way of sale, mortgage, gift, lease for a period exceeding ten years or otherwise, any land which is mainly used for purpose of agriculture and situated within an urban agglomeration, for a period of ten years of the commencement of this Act, except with the previous permission in writing of the competent authority.

(*8*) Any person desiring to make a transfer referred to in sub-section (*7*), may make an application in writing to the competent authority in such form and in such manner as may be prescribed.

(*9*) The provisions of sub-sections (*3*) to (*6*) shall apply, so far as may be, in relation to an application made under sub-section (*8*), as they apply in relation to an application made under sub-section (*2*).

Regulation of registration of documents in certain cases.

27. Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of clauses (*a*) to (*e*) of sub-section (*1*) of section 17 of the Registration Act, 1908 purports to transfer by way of sale, mortgage, gift, lease or otherwise any land, or any building (including any portion thereof),— 16 of 1908.

(*a*) in the case of any transfer referred to in section 25, no registering officer appointed under that Act shall register any such document unless the transferor produces before such registering officer evidence to show that he has given notice of the intended transfer to

the competent authority under that section and, where such transfer is by way of sale, the period of sixty days referred to in sub-section (2) of that section has elapsed;

(b) in the case of any transfer referred to in section 26, no registering officer appointed under that Act shall register any such document unless the transferor produces before such registering officer the permission in writing of the competent authority for such transfer or satisfies the registering officer that the period of sixty days referred to in sub-section (4) of that section has elapsed.

Regulation of construction of buildings with dwelling units.

28. No person shall construct any building with a dwelling unit having a plinth area,—

(a) where the building proposed to be constructed is situated in an urban agglomeration falling within category A specified in Schedule I, in excess of three hundred square metres;

(b) where the building proposed to be constructed is situated in an urban agglomeration falling within category C or category D specified in Schedule I, in excess of five hundred square metres.

Demolition and stoppage of buildings in certain cases and appeal.

29. (1) Where the construction of a building has been commenced at the commencement of this Act or thereafter, and is carried on and completed in contravention of the provisions of section 28, the competent authority having jurisdiction over the area in which the building is situated may make an order directing that such construction shall be demolished, either wholly or partly, or modified by the person at whose instance the construction has been commenced and is being carried on and completed, to the extent such demolition or modification does not contravene the provisions of that section, within such period (not being less than fifteen days and more than thirty days from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to that person) as may be specified in the order for the demolition or modification:

Provided that no order for the demolition or modification shall be made unless the person has been given by means of a notice served in such manner as the competent authority may think fit, a reasonable opportunity of showing cause why such order shall not be made:

Provided further that, where the construction has not been completed, the competent authority may, by the same order or by a separate order, whether made at the time of the issue of the notice under the first proviso or at any other time, direct the person to stop the construction until the expiry of the period within which an appeal against the order for the demolition or modification, if made, may be preferred under sub-section (2).

(2) Any person aggrieved by an order of the competent authority made under sub-section (1) may prefer an appeal against the order to the Tribunal having jurisdiction over the area in which the building is situated within the period specified in the order for the demolition or modification of the construction to which it relates.

(3) Where an appeal is preferred under sub-section (2) against the order for the demolition or modification the Tribunal may stay the

enforcement of that order on such terms, if any, and for such period, as it may think fit:

Provided that, where the construction of any building has not been completed at the time of the making of the order for the demolition or modification, no order staying the enforcement of the order for the demolition or modification shall be made by the Tribunal unless security, sufficient in the opinion of the Tribunal, has been given by the appellant for not proceeding with such construction pending the disposal of the appeal.

(4) The provisions of sub-section (5) of section 12 and of section 13 shall apply to or in relation to an appeal preferred under sub-section (2) as they apply to or in relation to an appeal preferred under sub-section (4) of section 12.

(5) Save as provided in this section, no court shall entertain any suit, application or other proceeding for injunction or other relief against the competent authority to restrain it from taking any action or making any order in pursuance of the provisions of this section.

(6) Where no appeal has been preferred against an order for the demolition or modification made by the competent authority under sub-section (1), or where an order for the demolition or modification made by the competent authority under that sub-section has been confirmed on appeal, whether with or without variation, the person against whom the order has been made shall comply with the order within the period specified therein, or, as the case may be, within the period, if any, fixed by the Tribunal or the High Court on appeal and on the failure of the person to comply with the order within such period, the competent authority may himself cause the construction to which the order relates to be demolished or modified and the expenses of such demolition or modification shall be recoverable from such person as an arrear of land revenue.

CHAPTER V

TRANSFER OF VACANT LANDS, ETC., ACQUIRED UNDER THE ACT TO THE CENTRAL GOVERNMENT

State Government to transfer certain vacant lands, etc., acquired under the Act to the Central Government.

30. Where any vacant land, situated within the local limits of a cantonment, declared as such under the Cantonments Act, 1924, or owned by the Central Government is deemed to have been acquired by the State Government under section 10 or where any vacant land or any urban or urbanisable land with a building or a portion only of such building, situated within such local limits, is purchased by the State Government under section 25 or section 26, then, in each such case, the State Government shall inform the Central Government of such acquisition or purchase and if the Central Government makes the request for the transfer of such vacant land or urban or urbanisable land to it, the State Government shall do so on payment by the Central Government of an amount equal to the amount which has been paid by the State Government for such acquisition or purchase, as the case may be. 2 of 1924.

CHAPTER VI

MISCELLANEOUS

Powers of competent authority.

5 of 1908.

31. The competent authority shall have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) receiving evidence on affidavits;

(*d*) requisitioning any public record or copy thereof from any court or office;

(*e*) issuing commissions for the examination of witnesses or documents; and

(*f*) any other matter which may be prescribed.

Jurisdiction of competent authorities and Tribunals in special cases.

32. Where under sub-section (*2*) of section 7, the State Government determines the competent authority or where, for the reason that the extent of the vacant land situated within the jurisdiction of two or more Tribunals is equal, an appeal has been preferred to any one of the Tribunals under sub-section (*4*) of section 12, then, such competent authority or Tribunal, as the case may be, shall, notwithstanding that any portion of the vacant land to which the proceedings before the competent authority or the appeal before the Tribunal relates, is not situated within the area of its jurisdiction, exercise all the powers and functions of the competent authority or Tribunal, as the case may be, having jurisdiction over such portion of the vacant land under this Act in relation to such proceedings or appeal.

Appeal.

33. (*1*) Any person aggrieved by an order made by the competent authority under this Act not being an order under section 11 or an order under sub-section (*1*) of section 29, may, within thirty days of the date on which the order is communicated to him, prefer an appeal to such authority as may be prescribed (hereafter in this section referred to as the appellate authority):

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*2*) On receipt of an appeal under sub-section (*1*), the appellate authority shall, after giving the appellant an opportunity of being heard, pass such orders thereon as it deems fit as expeditiously as possible.

(*3*) Every order passed by the appellate authority under this section shall be final.

Revision by State Government.

34. The State Government may, on its own motion, call for and examine the records of any order passed or proceeding taken under the provisions of this Act and against which no appeal has been preferred under section 12 or section 29 or section 33 for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such procedure and pass such order with respect thereto as it may think fit:

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard in the matter.

Power of State Government to issue orders and directions to the competent authority.

35. The State Government may issue such orders and directions of a general character as it may consider necessary in respect of any matter relating to the powers and duties of the competent authority and thereupon the competent authority shall give effect to such orders and directions.

Returns and reports.

36. The competent authority shall furnish to the State Government such returns, statistics, accounts and other information as the State Government may, from time to time, require.

Offences and punishments.

37. (*1*) If any person who is under an obligation to file a statement under this Act fails, without reasonable cause or excuse, to file the statement within the time specified for the purpose, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

(*2*) If any person who, having been convicted under sub-section (*1*), continues to fail, without reasonable cause or excuse, to file the statement, he shall be punishable with fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

(3) If any person who is under an obligation to file a statement under this Act files a statement which he knows or has reason to believe to be false, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

(*4*) If any person contravenes any of the provisions of this Act for which no penalty has been expressly provided for, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Offences by companies.

38. (*1*) Where an offence under this Act has been committed by a company every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance

of, or is attributable to any neglect on the part of, any director, manager, secretary, or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director" in relation to a firm, means a partner in the firm.

Indemnity.

39. No suit or other legal proceeding shall lie against the State Government or any officer of the State Government in respect of anything which is in good faith done or intended to be done by or under this Act.

Cognizance of offences.

40. No court shall take cognizance of any offence punishable under this Act except on complaint in writing made by the competent authority or any officer authorised by the competent authority in this behalf and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any such offence.

Act to override other laws.

41. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or any custom, usage or agreement or decree or order of a court, tribunal or other authority.

Tamil Nadu Act XIV of 1955.

Court fees.

42. Notwithstanding anything contained in the Tamil Nadu Court-fees and Suits Valuation Act, 1955, every application, appeal or other proceeding under this Act shall bear a court-fee stamp of such value as may be prescribed.

Certain officers to be public servants.

45 of 1860.

43. Every officer acting under, or in pursuance of the provisions of this Act or under the rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Correction of clerical errors.

44. Clerical or arithmetical mistakes in any order passed by any officer or authority under this Act or errors arising therein from any accidental slip or omission may at any time be corrected by such officer or authority either on his or its own motion or on an application received in this behalf from any of the parties.

Power to make rules.

45. (*1*) The State Government may, by notification in the Tamil Nadu Government Gazette, make rules for carrying out the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the cultivation or growing of plant which will not be agriculture under clause (*A*) of the *Explanation* to clause (*m*) of section 2;

(*b*) the period within which the statement may be filed under section 6;

(*c*) the form of intimation under sub-section (*2*) of section 7;

(d) the particulars to be mentioned in the statement referred to in sub-section (*1*) of section 6, sub-section (*2*) of section 8 and sub-section (*1*) of section 15;

(*e*) the manner of serving the draft statement under sub-section (*3*) of section 8;

(*f*) the manner of publishing the notification under sub-section (*1*) of section 10;

(*g*) the time within which the competent authority shall dispose of a case under sub-section (*9*) of section 11;

(*h*) the times during which the competent authority or any person acting under the orders of such authority may enter upon any vacant land under section 16;

(*i*) the time within which and the form and the manner in which a declaration under sub-section (*1*) of section 20 shall be made before the competent authority;

(*j*) the terms and conditions subject to which a person permitted under sub-section (*1*) of section 20 may hold land in excess of the ceiling limit;

(*k*) the particulars to be mentioned in the statement referred to in sub-section (*1*) of section 21;

(*l*) the form in which an application under sub-section (*1*) of section 23 may be made and the particulars to be mentioned in such application;

(*m*) the form and the manner in which an application for transfer of land may be made under sub-section (*2*) of section 26;

(*n*) the powers of the competent authority under clause (*f*) of section 31;

(*o*) the appellate authority under sub-section (*1*) of section 33;

(*p*) the value of the court-fee stamp to be affixed on an application, appeal or other proceeding under section 42;

(*q*) any other matter which is to be, or may be, provided for by rules under this Act;

(*3*) Every rule made under this Act shall, as soon as possible, after it is made, be placed on the table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to remove difficulties.

46. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

(*2*) No order under sub-section (*1*) shall be made after the expiration of a period of two years from the commencement of this Act.

SCHEDULE I

[*See* sections 2 (*l*), 4, 11 and 28]

NOTE I.—An Urban Agglomeration is made up of main town together with the adjoining areas of urban growth and is treated as one urban spread. The population covered by such spreads is categorised as urban. Each such agglomeration may be made up of more than one statutory town, adjoining one another such as a Municipality and the adjoining Cantonment, etc., and also other urban growths such as a Railway Colony, etc.

NOTE II.—The following abbreviations have been used in this Schedule:—

Cantt.	..	Cantonment.
M.	..	Municipality.
M. Corp.	..	Municipal Corporation.
P.	..	Panchayat.
T.S.	..	Township.
U.A.	..	Urban Agglomeration.

Towns		*Peripheral area*	*Category*
(1)		(2)	(3)
1. Madras U.A.		8 Kms.	A
(1) Madras	M. Corp.		
(2) Thiruvattiyur	M.		
(3) Avadi	T.S.		
(4) Alandur	M.		
(5) Tambaram	M.		
(6) Pallavapuram	M.		
(7) Ambattur	T.S.		
(8) Villivakkam	P.		
(9) St. Thomas Mount-*cum*-Pallavaram Cantonment.	Cantt.		
(10) Madhavaram	T.S.		
(11) Poovirundhavalli	P.		
(12) Thiruvanmiyur	P.		
(13) Kunrathur	P.		
(14) Anakaputhur	P.		
(15) Kodambakkam	P.		
(16) Naravarikuppam	P.		
(17) Thirumazhisai	P.		
(18) Pammal	P.		
(19) Saligramam	P.		
(20) Velacheri	P.		
(21) Virugambakkam	P.		
(22) Kodungaiyur	P.		
(23) Oragadam	P.		
(24) Thiruninravur	P.		
(25) Polal	P.		
(26) Erukkancheri	P.		

Towns		*Peripheral area*	*Category*
(1)		(2)	(3)
(27) Thiruneermalai	P.		
(28) Chithalapakkam	P.		
(29) Nerkundram	P.		
(30) Koyambedu	P.		
(31) Perungalathur	P.		
(32) Vallanur	P.		
(33) Peerkankaranai	P.		
(34) Sennirkuppam	P.		
(35) Nazarethpettai	P.		
(36) Sembarambakkam	P.		
(37) Polichalur	P.		
(38) Kannapalayam	P.		
(39) Meenambakkam	P.		
(40) Pallikaranai	P.		
(41) Thirusulam	P.		
(42) Thirumangalam	P.		
(43) Kattupakkam	P.		
(44) Kathivakkam	T.S.		
(45) Melmanambedu	P.		
(46) Soranjeri	P.		
(47) Kathirvedu	P.		
(48) Perungudi	P.		
(49) Nadukkuthagai	P.		
(50) Matthur	P.		
(51) Varadharajapuram	P.		
(52) Thiruverkadu	P.		
(53) Veeraraghavapuram	P.		
(54) Vengavasal	P.		
(55) Nemilicheri	P.		
(56) Sadayankuppam	P.		
(57) Mudichur	P.		
(58) Madipakkam	P.		
2. Salem U.A. ..	..	5 Kms.	C
(*a*) Salem	M.		
(*b*) Suramangalam	M.		
(*c*) Jarikondalampatti	P.		
(*d*) Annadanapatti	P.		
(*e*) Ammapalayam	P.		
(*f*) Ammapet	P.		
(*g*) Puthur	P.		
(*h*) Kondalampatti	P.		
(*i*) Thadampatti	P.		
(*j*) Alagapuram	P.		
(*k*) Neikarapatti	P.		
(*l*) Sivadapuram	P.		
(*m*) Meyyanur	P.		
(*n*) Komarasamipatti	P.		

Towns		*Peripheral area.*	*Category*
(1)		(2)	(3)
2. Salem U.A.—*contd.*	..	5 Kms.	C
(*o*) Kandampatti	P.		
(*p*) Reddipatti	P.		
(*q*) Narasojipatti	P.		
(*r*) Pallapatti	P.		
3. Coimbatore U.A. ..	..	5 Kms.	C
(*a*) Coimbatore	M.		
(*b*) Singanallur	M.		
(*c*) Kurichi	P.		
(*d*) Telungupalayam	P.		
(*e*) Sanganur	P.		
(*f*) Kuniamuthur	P.		
(*g*) Ganapathy	P.		
(*h*) Madukkarai	T.S.		
(*i*) Komarapalayam	P.		
(*j*) Vellalore	P.		
(*k*) Sulur	P.		
(*l*) Perianaickenpalayam	P.		
(*m*) Kurudumpalayam	P.		
(*n*) Kavundampalayam	P.		
(*o*) Vilankuruchi	P.		
(*p*) Veerakeralam	P.		
(*q*) Perur Chettipalayam	P.		
(*r*) Perur	P.		
(*s*) Chinnavedampatti	P.		
(*t*) Narasimhanaickenpalayam	P.		
(*u*) Pallapalayam	P.		
(*v*) Muthugoundan Pudur Railway Colony.	Southern Railway Administration.		
4. Madurai U.A. ..	..	5 Kms.	C
(*a*) Madurai	M. Corp.		
(*b*) Avaniapuram	P.		
(*c*) Tirupparankundram	P.		
(*d*) Paravai	P.		
(*e*) Vilangudi	P.		
(*f*) Samayanallur	P.		
(*g*) Harveypatti	T.S.		
(*h*) Tirunagar	P.		
(*i*) Thathaneri	P.		
(*j*) Thiagarajar Colony	P.		

Towns		*Peripheral area.*	*Category*
(1)		(2)	(3)
5. Tiruchirappalli U.A.	..	5 Kms.	C
(*a*) Tiruchirappalli	M.		
(*b*) Srirangam	M.		
(*c*) Ponmalai	P.		
(*d*) Golden Rock Railway Colony	Southern Railway Administration		
(*e*) Ariyamangalam	P.		
(*f*) Alathur	P.		
(*g*) Abishekapuram	P.		
(*h*) Pirattiyur	P.		
(*i*) Ulkadai Ariyamangalam	P.		
6. Tirunelveli U.A.		1 Km.	D
(*a*) Tirunelveli	M.		
(*b*) Palayamkottai	M.		
(*c*) Melapalayam	M.		
(*d*) Thatchanallur	P.		
(*e*) Naranammalpuram	P.		
(*f*) Thalaiyuthu	P.		
(*g*) Palayamkottur	P.		
(*h*) Sankarnagar	T.S.		
(*i*) Alaganeri	P.		
(*j*) Melanatham	P.		
(*k*) Pettai	P.		

SCHEDULE II

[*See* section 11 (*2*)]

Principles for determination of the net average annual income

1. The competent authority shall first determine the gross income actually derived by the holder of the vacant land acquired during the period of five consecutive years referred to in clause (*a*) of sub-section (*1*) of section 11 including any income from any produce derived from cultivation of the land during the said period.

2. For such determination the competent authority may—

(*a*) hold any local inquiry and obtain, if necessary, certified copies of extracts from the property tax assessment books of the municipal or other local authority concerned showing the rental value of such land;

(*b*) estimate the income from any produce from such land, after holding such local inquiry and taking such evidence as it thinks fit

and after giving an opportunity to the person concerned of being heard in the matter.

3. The net average annual income referred to in clause (*a*) of sub-section (*1*) of section 11 shall be sixty per cent. of the average annual gross income which shall be one-fifth of the gross income during the five consecutive years as determined by the competent authority under paragraph 1.

4. Forty per cent. of the gross annual income referred to above shall not be taken into consideration in determining the net average annual income but shall be deducted in lieu of the expenditure which the holder of the vacant land would normally incur for payment of any tax to the municipal or other local authority and for collection and other charges including cultivation charges.

FAKHRUDDIN ALI AHMED,

President.

K. K. SUNDARAM,

Secy. to the Govt. of India.

Reasons for the enactment

With a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good, legislation has been enacted by Parliament, namely, the Urban Land (Ceiling and Regulation) Act, 1976. Since the State Legislature of Tamil Nadu had not passed a resolution under article 252 (1) of the Constitution adopting this Act, this Act could not be applied to the State of Tamil Nadu. It is proposed to enact separately a legislation on the lines of the aforesaid Act so as to provide for the imposition of ceiling on vacant land in urban agglomerations in the State of Tamil Nadu, for the acquisition of such land in excess of the ceiling limit, for the regulation of construction of buildings on such land and for matters connected therewith. This measure seeks to give effect to the above proposal.

2. The Committee constituted under the proviso to sub-section (2) of section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976) has been consulted before the enactment of this measure as a President's Act.

N. J. KAMATH,
Secretary to the Government of India,
Ministry of Works and Housing.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1976

रजिस्ट्री सं डी-(डी०)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 1
PART II—Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 117] नई दिल्ली, बुधवार, अगस्त 11, 1976/श्रावण 20, 1898
No. 117] NEW DELHI, WEDNESDAY, AUGUST 11, 1976/SRAVANA 20, 1898

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 11th August, 1976/Sravana 20, 1898 (Saka)

THE INDIAN STAMP (PONDICHERRY SECOND AMENDMENT) REGULATION, 1976

No. 12 OF 1976

Promulgated by the President in the Twenty-seventh Year of the Republic of India.

A Regulation further to amend the Indian Stamp Act, 1899, as in force in the Union Territory of Pondicherry.

In exercise of the powers conferred by the second proviso to clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

Short title, extent and commencement.

1. (*1*) This Regulation may be called the Indian Stamp (Pondicherry Second Amendment) Regulation, 1976.

(*2*) It extends to the whole of the Union territory of Pondicherry.

(*3*) It shall come into force on such date as the Administrator of the Union territory of Pondicherry may, by notification in the Official Gazette, appoint.

Amendment of section 47A.

2 of 1899.

2. In section 47A of the Indian Stamp Act, 1899, as in force in the Union territory of Pondicherry (hereinafter referred to as the principal Act), for the words "conveyance, exchange or gift", wherever they occur, the words "conveyance, exchange, gift, partition or settlement" shall be substituted.